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Claims 9-12 have been canceled. Claims 1-8 remain pending in the application.

Applicants amend claims 1-2, 4, and 6-7 for further clarification, and refer to page 22, lines

8-13 and page 23, lines 8-14 in the specification for exemplary embodiments of and support

for the claimed invention. No new matter has been added.

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 5,634,012 to Stefik et al.; and claims 2-5 and 7-8 stand rejected under 35 U.S.C.

§103(a) as being unpatentable over Stefik et al. in view of U.S. Patent No. 5,872,588 to Aras

et al. Applicants amend claims 1-2, 4, and 6-7 in a good faith effort to further clarify the

invention, and respectfully traverse the rejections.

The Examiner maintained that the description in Stefik et al. of a "d-block" allegedly

disclosed the claimed "attribute data."

Applicants, again, respectfully submit that Stefik et al. do not disclose the claimed

features in connection with functional "middleware" being embedded with content. In

addition, Stefik et al., as cited and relied upon by the Examiner, only include description of

"d-block" indicating rights and fee information as allegedly disclosing "attribute data" related

to corresponding content. Thus, Stefik et al. further fail to disclose the claimed features in

connection with attribute data being added to selectively encrypted archive data, the attribute

data indicating one or more of a genre of corresponding content, a type of corresponding

content, a distribution mode of corresponding content, and a condition of transaction of

corresponding content, excluding rights and fee information for the corresponding content.

In other words, Stefik et al., as cited and relied upon by the Examiner, fail to disclose,

> "[a] method for managing fees of contents in which the
> fees arise based on a predetermined charging rule upon
> distributing the contents, said method comprising the steps of:
> equipping information gathering means on a network
> with which a user terminal is allowed to connect, said user

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terminal carrying out information processing by utilizing said contents;

embedding ***middleware***, which gives a predetermined function to the user terminal, to said contents, said ***middleware*** including one or more programs providing functionality to said user terminal to autonomously monitor, and store, a contents utilizing history at the user terminal, and transmit the stored contents utilizing history along with identification information to said information gathering means at a predetermined timing while said user terminal is connected with said network;

processing a plurality of said contents, in each of which the middleware is embedded, to one archive data;

selectively encrypting said archive data and adding an attribute data to the encrypted archive data;

distributing said archive data and attribute data through a predetermined distribution mechanism;

holding, by predetermined identification information holding means, identification information for identifying said distributed contents and said distribution mechanism;

counting a distribution condition of contents per distribution mechanism based on said contents utilizing history gathered through said information gathering means and said identification information held by said identification information holding means; and

determining a charging amount per distribution mechanism based on said counted distribution condition and a charging rule for said contents,

wherein the contents utilizing history is stored permanently as long as the contents is utilized, and

the attribute data indicates one or more of a genre of corresponding content, a type of corresponding content, a distribution mode of corresponding content, and a condition of transaction of corresponding content, excluding rights and fee information for the corresponding content," as recited in claim 1. (Emphasis added)

Again advantageously, the claimed invention provides for attribute data that can be read without any decryption or decompression, thus allowing a user or distributor to know, say, a genre or type of content in an archive without any decryption or decompression. Stefik et al., as cited and relied upon by the Examiner, are silent on this objective of the claimed invention.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Stefik et al. for at least the foregoing reasons. Claim 6 incorporates features that correspond to those

of claim 1 described above, and are, therefore, patentable over <u>Stefik et al.</u> for at least the same reasons.

The Examiner cited <u>Aras et al.</u> as a combining reference to specifically address the respective additional features recited in claims 2-5 and 7-8. And claims 2, 4, and 7 incorporate features that correspond to those of claim 1 described above. As such, a combination with <u>Aras et al.</u> would still have failed to cure the above-described deficiencies of <u>Stefik et al.</u>, even assuming, <u>arguendo</u>, that such a combination would have been obvious to one skilled in the art at the time the claimed invention was made. Accordingly, Applicants respectfully submit that claims 2, 4, and 7, together with claims 3, 5, and 8 dependent therefrom, respectively, are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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